



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 18, 2021
FROM: CITY ATTORNEY WARDS: ALL
SUBJECT: OUTSIDE COUNSEL EXPENDITURE REPORT

ISSUE:

The issue for City Council consideration is the Outside Counsel Expenditure Report for the period of January 1, 2021 through March 31, 2021, as provided in the outside counsel policy approved by City Council on June 16, 2015.

RECOMMENDATIONS:

That the City Council receives and files the attached report.

BACKGROUND:

In the continuing effort of transparency and accountability, City Council approved the City Attorney's recommendation of quarterly reporting of the outside counsel expenditures. This report includes the current spending for the prior quarter and the cumulative spending from inception of the matter grouped by law firm name. All closed matters are highlighted and will not be included in the next report. It should be noted that bond counsel and contingency payments are not paid through the City's accounts payable division and therefore must be manually added to information derived from the City's accounting system. In the case of bond counsel payments, the payments are typically made directly by the bond trustee from bond proceeds. In the case of contingency payments, the payments are typically deducted from the funds received prior to deposit by the City.

FISCAL IMPACT:

There is no fiscal impact at this time.

Prepared by: Kristi J. Smith, Interim City Attorney

Attachment: Outside Counsel Expenditure Report

**OUTSIDE COUNSEL EXPENDITURE REPORT
THROUGH MARCH 31, 2021**

LAW FIRM	MATTER/CASE NAME	BRIEF DESCRIPTION			EXPENDITURES		BALANCE
			Funding Source	Authorized Spending Limit	1/1/21 - 3/31/21	TOTAL AS OF 3/31/21	
ALSTON BIRD							
	<i>Public Watchdogs v CA State Lands Commission</i>	CEQA Lawsuit	520	5,000	-	1,774	3,226
	<i>Samuel Lawrence Foundation v Coastal Commission #1</i>	Re Songs	520	5,370	-	1,314	4,056
	<i>Samuel Lawrence Foundation v Coastal Commission #2</i>	Re Songs	520	2,148	-	100	2,048
	<i>Public Watchdogs v CA State Lands Commission</i>	Appeal	520	3,580		-	3,580
Subtotal					-		
BAKER HOSTETLER							
	<i>Cyber Security Breach</i>	Prevention/Advice	510	20,000	-	2,375	17,625
	<i>Business Tax Security</i>	Prevention/Advice	630	4,000	-	1,838	2,162
Subtotal					-		
BEST BEST KRIEGER							
	<i>General Advice</i>	Miscellaneous	101	25,000		14,987	10,013
	<i>City v DOF</i>	Anticipated litigation	630	65,000		60,085	4,915
	<i>Riverwalk CSD Foreclosure</i>	Collection	101	10,000		2,645	7,355
	<i>Gage Canal</i>	Advisory	101	20,000		17,548	2,452
	<i>General Advice</i>	HR/401(a) Advisory	101	45,000	18,045	40,887	4,113
	<i>Live Nation/Fox Theatre</i>	Advisory	101	5,000		-	5,000
	<i>Ice Energy</i>	Bankruptcy		12,000	187	4,267	7,733
	<i>Riverside Community Hospital</i>	Tax Matter	101	1,500		1,500	-
	<i>General Advice</i>	IRS Advice	101	11,010	3,615	3,515	7,395
Subtotal					21,847		

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BUCHALTER							
	<i>SCE/CPC Application[1]</i>	RTRP	520	450,000	18,226	445,175	4,825
	<i>CPUC Rulemaking</i>	PSPS	520	60,000	1,908	29,498	30,502
Subtotal					20,134		
BLAISDELL, CHURCH & JOHNSON							
	<i>Bond Counsel*</i>	IPP Generation Plant	510	5,000		1,000	4,000
Subtotal							
BURKE WILLIAMS & SORENSEN	<i>Friends of Riverside Airport v City **</i>	Ag Park Litigation	630	1,850,000	266,968	792,222	1,057,778
Subtotal					266,968		
CHAPMAN AND CUTLER							
	<i>Bond Counsel*</i>						
CONSTANTINE CANNON							
	<i>State of California et al. ex rel. [Under Seal] v [Under Seal]</i>	Litigation re wireless cell service/contingency		-		-	-
Subtotal							
COTCHETT PITRE & McCARTHY							
	<i>Bond Derivative Litigation</i>	Contingency*		-		-	-

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COLANTUONO HIGSMITH & WHATLEY							
	<i>General matters</i>	Prop 218 and conflicts advice	520	40,400		36,879	3,521
	<i>General Advice</i>	CAO	101	15,000		13,771	1,229
	<i>General/RPU</i>	Electric & Water Cost Service Study	520	25,000		65	24,935
	<i>General Advice</i>	Solid Waste Refues Fees	101	15,000	3,745	5,075	9,925
	<i>Parada II v City**</i>	GFT Challenge/Litigation	101	252,500	21,952	197,275	55,225
	<i>Carl Pongs v City</i>	Water Rate Challenge	520	100,000	9,930	33,837	66,163
	<i>Simpson v City**</i>	Water GFT Challenge	520	253,000	20,758	72,889	180,111
Subtotal					56,385		
ELLISON SCHNEIDER							
	<i>1969 Judgment*</i>	Bunker Hill Basin	510	30,000	3,403	24,934	5,066
Subtotal					3,403		
GIBBS GIDEN							
	<i>General Public Contracting</i>	Advisory	101	7,500	-	2,883	4,617
	<i>Convention Center/Fox</i>	Force Majeure Review	101	15,000	-	14,948	52
Subtotal					-		

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GREINES MARTIN STEIN & RICHLAND							
	<i>Easley, Michael v. City</i>	Federal civil rights action	630	137,695		117,736	19,959
	<i>Nichols, Raymond v City**</i>	Federal civil rights action	630	107,455		102,982	4,473
	<i>Louis, Jean-Louis v City</i>	Appellate advice	630	15,000	88	9,836	5,164
	<i>Parada v City</i>	Appellate advice	630	15,000	7,080	10,532	4,468
	<i>Brandstetter v City</i>	Appellate advice	630	15,000	-	-	15,000
Subtotal					7,168		
HOLLAND & HART							
	<i>Camino Project</i>	PPA Negotiations		10,000	-	-	10,000
	<i>Glidepath</i>	PPA Negotiations		50,000	-	-	50,000
Subtotal							
JONES HALL							
	<i>Bond Counsel*</i>	SIFMA		40,000		-	40,000
	<i>Bond Counsel*</i>	Electric and Water Bonds 2018		45,000		-	45,000
	<i>Bond Counsel*</i>	2019 Electric & Water Bonds		90,000		-	90,000
Subtotal							

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LEWIS BRISBOIS BISGAARD & SMITH							
	<i>Easley, Michael v City</i>	Civil rights litigation	630	406,500	1,023	375,232	31,268
	<i>Friends of Riverside Airport v Dept of the Army**</i>	CEQA Litigation/Environmental	630	1,700,138	-	1,007,314	692,824
Subtotal					1,023		
LIEBERT CASSIDY WHITMORE							
	<i>General Advice</i>	Misc	101	1,000	-	447	553
	<i>Casteel v City</i>	Employment	630	137,700	14,740	14,740	122,960
Subtotal					14,740		
MALCOLM CISNEROS							
	<i>Carbonlite Holdings, LLC</i>	Bankruptcy		30,000		-	30,000
Subtotal					-		
MEYERS NAVE							
	<i>Measure MM</i>	Advice/Opinion		15,000	9,765	9,765	5,235
Subtotal					9,765		
MILLER AXLINE & SAWYER							
	<i>TCP Contaminataion</i>	Advisory/contingency*					
	<i>City v Black & Decker (U.S), Inc.</i>	Perchlorate litigation/contingency*					

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MURPHY & EVERTZ							
	<i>SBCTA v City</i>	Condemnation		150,000	-	13,413	86,587
Subtotal							
SL ENVIRONMENTAL							
	<i>PFSA</i>	Contamination/Contingency					
SMITH LAW OFFICES							
	<i>Louis, Jean-Louis v City</i>	Civil rights litigation	630	176,000		16,810	159,190
	<i>Nichols, Raymond v City</i>	Civil rights litigation	630	120,000	300	52,609	67,391
	<i>Wilder, S. v City</i>	Suit for Wrongful Termination	630	100,000	29,240	50,100	49,900
	<i>Casteel v City</i>	Employment/Special Counsel	630	10,000	5,220	5,220	4,780
Subtotal					34,760		
STRADLING YOCCA CARLSON & RAUTH							
	<i>Bond Counsel</i>	2006 Lease Revenue (Galleria)		55,000	55,000	55,000	0
	<i>Bond Counsel</i>	2018 Sewer Revenue Bonds		65,000	65,000	65,000	0
	<i>Bond Counsel</i>	2019 Electric and Water Bonds		140,000	140,000	140,000	0
	<i>Bond Counsel</i>	Debt Disclosure Reports		15,000	15,000	15,000	0
	<i>Bond Counsel</i>	CFDs and Assessment Districts		15,000	15,000	15,000	0
	<i>Bond Counsel</i>	2015A Sewer Revenue Bonds		10,000	15,000	15,000	0
Subtotal					305,000		

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THOMPSON COBURN							
	<i>FERC</i>	Regulatory	510	750,000	140,290	416,019	333,981
	<i>LADWP Transmission Agreements</i>	Potential Extension	510	25,000		-	25,000
Subtotal					140,290		
WOODRUFF SPRADLIN							
	<i>Pongs/Moslenko v City</i>			588,000	11,915	11,915	576,085
Subtotal					11,915		
TOTAL					893,398		

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Note: Plaintiff's Case - Outside Counsel Retained for Recovery							
BURKE WILLIAMS SORENSEN							
	City v. Jurupa/Rubidoux CSD, et al.**	Recovering contribution obligation for RWQCP project	550	4,782,326	16,854	4,655,921	126,405
Please note:							
(1) Some totals may include costs							
(2) Items shaded in blue are closed							
(3)*Contingency bond counsel payments are per individual bond transactions or recovery received							
(4)**Change order							
[1] Attorney's fees will be recovered from SCE							